

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:08-CR-534-T-17TGW

CALEB MICHAEL CHARLES.

_____ /

ORDER

This cause is before the Court on:

Dkt. 207	Amendment 782 Memorandum
Dkt. 210	Notice of Federal Defender
Dkt. 213	Motion Pursuant to 18 U.S.C. Sec. 3582(c)(2) For Reduction of Sentence as a Result of a Modification of Guidelines
Dkt. 215	Response
Dkt. 216	Reply

Defendant Caleb Michael Charles, *pro se*, moves for sentence reduce pursuant to 18 U.S.C. Sec. 3582(c)(2) and Amendment 782.

The Government opposes Defendant Charles' Motion; the Government asserts that Defendant Charles was not sentenced under the drug guidelines and therefore is not eligible for relief.

Defendant Charles entered into a Plea Agreement, pleading guilty to Counts 1 and 2 of the Indictment. (Dkt. 93). Defendant Charles was sentenced on Counts 1 and 2 on July 17, 2009 to a term of imprisonment on Count 1 of 120 months, concurrent, and concurrent with any term of imprisonment for the probation violation in Docket Number 067CF014663, and a term of imprisonment on Count 2 of 188 months, concurrent; a term of supervised release on Count 1 of 36 months, concurrent, and a term of supervised release of 60 months on Count 2, concurrent; fine waived; and a special assessment fee of \$200.00. The Court denied Defendant's Motion for downward departure. (Dkts. 137, 147).

On June 11, 2010, the Court vacated the previous Judgment and directed that a new Judgment be entered. (Dkts. 172, 173).

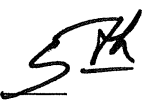
Defendant Charles moved for a sentence reduction pursuant to Amendment 750 (Dkt. 189). The Government opposed the Motion. (Dkt. 193). The Court denied the Motion. (Dkt. 202).

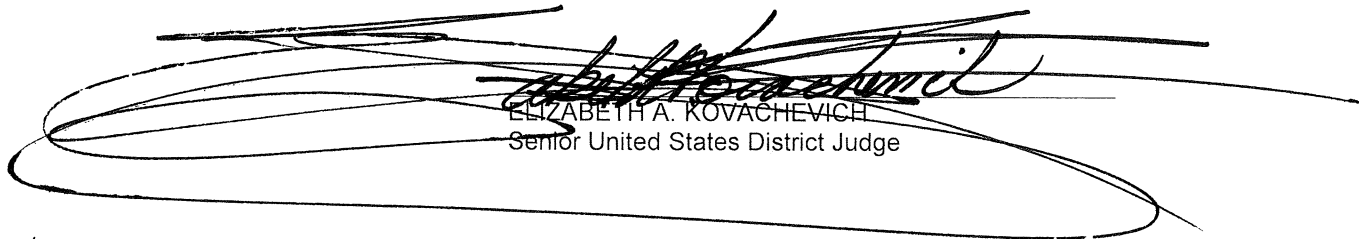
The Amendment 782 Memorandum indicates that Defendant Charles was sentenced under USSG 2E1.4 and USSG 2A1.5(a), and therefore is not eligible for a sentence reduction pursuant to Amendment 782.

The Federal Defender notified Defendant Charles that because Defendant Charles was sentenced under USSG 2E1.4 and USSG 2A1.5(a), and not the Drug Quantity Table in USSG 2D1.1, it could not pursue a sentence reduction under Amendment 782.

After consideration, the Court denies Defendant Charles' Motion for Sentence Reduction (Dkt. 213). Accordingly, it is

ORDERED that *pro se* Defendant Caleb Michael Charles' Motion for Sentence Reduction Pursuant to 18 U.S.C. Sec. 3582(c)(2) (Dkt. 213) is **denied**.

DONE and ORDERED in Chambers in Tampa, Florida on this  day of November, 2019.


ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

Caleb Michael Charles
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